

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>TRAVIS SHIRK,</b>  <div style="text-align: right; padding-right: 20px;"><b>Plaintiff,</b></div> <div style="text-align: center; padding: 10px 0;"><b>v.</b></div> <b>KILOLO KIJAKAZI, Acting Commissioner Of Social Security Defendants.</b>	: : : : : : : :	<b>Civ. No. 19--5668</b>
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**ORDER**

On December 2, 2019, Travis Shirk, through counsel, sought review of the Social Security Administration’s denial of his claim and administrative appeals. (Doc. No. 2.) On June 10, 2021, I referred this case to Magistrate Judge Elizabeth Hey for a Report & Recommendation. (Doc. No. 12.)

Judge Hey ordered Shirk file his Brief and Statement of Issues in Support of His Request for Review within 45 days. (Doc. No. 15.) Shirk sought three separate extensions, after which he did not file a Brief and Statement of Issues. (See Doc. Nos. 16, 18, 20.) On December 30, 2021, Judge Hey ordered Shirk submit the documents or make a showing of good cause why the matter should not be dismissed. (Doc. No. 22.) Shirk never responded. (See Docket.)

On October 20, 2023, Judge Hey recommended that I dismiss this case with prejudice for failure to prosecute. (Doc. No. 24.) No objections to the Report & Recommendation have been made. (See Docket.) Accordingly, I must “satisfy [myself] that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) Advisory Committee Notes; see also Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (the district court must “afford some level of review” when no objections have been made). Having reviewed the Report, I see no clear errors and I agree with Judge Hey’s recommendation.

**AND NOW**, on this 8th day of November, 2023, it is hereby **ORDERED** that:

1. Plaintiff's Complaint is **DISMISSED with prejudice**;
2. The Magistrate Judge's Report and Recommendation is **APPROVED AND ADOPTED**; and
3. The Clerk of Court **SHALL** remove this case from suspense and close this case.

**AND IT IS SO ORDERED.**

*/s/ Paul S. Diamond*

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Paul S. Diamond, J.